

**Draft Session Committee Rules of Procedure**

For consideration and adoption by 2015 Senate Public Health and Welfare Committee

**I. Public Hearings on Proposed Legislation****A. Hearing Process**

1. The Presiding Officer will announce the bill and sponsor and set any testimony time restrictions.

2. Proponents of the bill will present testimony.

3. Opponents of the bill will present testimony.

4. Informational witnesses should be allowed to introduce themselves.

**Committees should determine whether the informational witnesses are allowed to present testimony.** Presiding Officers may reserve the right to designate an

informational witness as a proponent or opponent should the information be supportive or critical of the bill.

5. Questions for the sponsor, proponents, opponents, or informational witnesses may be asked by committee members and will be directed through the Presiding Officer.

6. The sponsor of the bill will close the presentation.

**B. Witnesses**

1. All witnesses must sign the witness sheet before presenting testimony.

2. Witnesses presenting testimony before the committee should remain in the room to answer any questions from committee members until the hearing is closed.

3. Written testimony may also be submitted for the permanent committee record. Written testimony should include the name and affiliation of the person submitting the testimony.

4. Testimony requiring the use of video, audio, or other equipment is permitted, if arrangements are made in advance. A copy of the testimony should be provided to the secretary for the permanent record.

5. Absentee video or audio testimony must be preapproved.

**6. If a member of the committee wishes to testify on a bill, that member will sit in the audience as a member of the public during the hearing. That member may not both testify and ask questions of the public during the hearing.**

**II. Executive Action**

A. A quorum is required to take executive action.

B. Generally, executive action will not be held the same day as the public hearing on the bill. Executive action may be taken on the same day on noncontroversial bills or due to time constraints.

C. Absentee voting by committee members is permitted in writing through the use of a proxy form. **The contents of the form must be determined by the committee at the start of the session.**

### III. Amendments

#### A. Requests for Amendments

1. Requests for amendment drafting should be given to staff at least 24 hours in advance of executive action.

2. Amendments must be requested by a legislator, and the request may be made in writing, by e-mail, via a phone call, or in person.

3. Conceptual amendments are discouraged. Amendments are drafted by staff in advance to ensure time for review, editing, and distribution. If a conceptual amendment is allowed, staff must be afforded the opportunity to make corrections and edits without further committee review or action.

4. Staff will not draft amendments for bills outside of this procedure.

#### B. Amendment Protocol

Pursuant to Article V, section 11 of the Montana Constitution, amendments must be within the title of the bill. This prohibits a bill from being amended in such a way that the original purpose, as stated in the title, is changed.

### IV. Notice of Hearings: See Rules of the Montana Legislature

#### A. Senate Rule 30-60 provides:

1. All meetings of committees must be open to the public at all times, subject always to the power and authority of the chair to maintain safety, order, and decorum. The date, time, and place of committee meetings must be announced.

2. Notice of a committee hearing must be made by posting the date, time, and subject of the hearing in a conspicuous public place not less than 3 legislative days in advance of the hearing. This 3-day notice requirement does not apply to hearings scheduled:

(a) prior to the third legislative day;

(b) less than 10 legislative days before the transmittal deadline applicable to the subject of the hearing;

(c) to consider confirmation of a gubernatorial appointment received less than 10 legislative days before the last scheduled day of a legislative session; or

(d) due to appropriate circumstances.

B. All committees shall provide for and give public notice, reasonably calculated to give actual notice to interested persons, of the time, place, and subject matter of regular and special meetings. All committees are encouraged to provide at least 3 legislative days' notice to members of committees and the general public. However, a meeting may be held upon notice appropriate to the circumstances.

### V. Proxies

Proxies are allowed by rule and must be in a written form and reflected in the minutes.

**The committee is to decide how to handle proxies and how much information is to be submitted on the proxy form.** Samples, based on past usage, are under Appendix 3.

Forms may change depending on leadership directives or adoption of new rules.



## Guideline on Use of Electronic Devices

Adopted by the Legislative Council

November 13, 2014

To be included in the publication of the Rules of the Montana Legislature (2015) as a Guideline

(1) A legislator's primary focus should be on serving their constituents and the citizens of the state of Montana. Courtesy and respect by and for legislators, staff, and the public is expected. During committee hearings, the public testimony should be the priority focus of a legislator. Legislators should avoid various forms of distraction that could lead the public to believe that their testimony is not being heard, i.e., newspapers and other reading material should be placed away during testimony.

(2) Use of electronic devices other than for committee or floor business is generally discouraged, and if used, should be a tool for taking notes and for pertinent research, reference, and communication to assist a legislator in being more productive. Use of electronic devices should be nondisruptive and open; extraneous communication should be limited; and if a legislator must communicate for a nonhearing-related reason that may take some time, the legislator should excuse him or herself from the hearing.

(3) Use of electronic devices for written communication regarding legislative business may potentially constitute a public record that could be subject to the public right-to-know provisions of the Montana Constitution.